IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.16889 of 2001

Between:

Akula Sreenivas S/o. Akula Hanumaiah,
Nandini Bar and Restaurant, Mandamarri Market,
Adilabad District.

..... PETITIONER

AND

1 Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad.
2 The Superintendent, Excise and Prohibition Department,
Adilabad District.
3 Nanaveni Rajaaiah S/o.Ilaiah, Madhu Bar and Restaurant,

H.No.64/199, Mandamarri Market, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 1st and 2nd respondents herein in granting licence to the 3rd respondent to run Madhu Bar and Restaurant within 40 meters distance from the existing Bar of the Petitioner i.e. Nandini Bar and Restaurant situated at Mandamarri Market area, Adilabad District as highly illegal, arbitrary and violative of Rules 29(1) (iv) and 29(3), and Principles of natural justice and with a consequential direction to forthwith cancel the licence granted by the 2nd respondent herein in favour of the 3rd respondent.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

The petitioner challenged the licence granted to the third respondent in Form No.I.L.17. The licence granted to the third respondent was for the year 2001-'02 which expired on 31.3.2002. Therefore, the cause of action does not survive in this writ petition.

The writ petition is, accordingly, dismissed as infructuous.

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(**V.V.S.RAO,J**)

June 29, 2005.

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To

1. The Commissioner of Prohibition & Excise, Andhra Pradesh,

   Hyderabad.
2. The Superintendent, Excise and Prohibition Department,
   Adilabad District.
3. Two CCs to the Government Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad. (OUT)

4. Two C.D. Copies.